

REMARKS

Claims 1, 3-5, 7, 10, 12-14, 16, 19, 21-23, 25, 28 and 29 remain pending in the present application. Claims 1, 10, 19 and 29 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

CLAIM OBJECTIONS

Claims 1, 10 and 19 are objected to because of informalities. The claims have been amended to overcome the objection. Withdrawal of the objection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claim 29 is rejected under 35 U.S.C. § 102(b) as being anticipated by Axthammer (U.S. Pat. No. 3,391,922). Claim 29 has been amended to define first and second compressed gasses being disposed within the first and second working chambers, respectively.

Axthammer discloses a hydropneumatic suspension unit which includes a first working chamber 16/18 which is filled with a liquid (column 3, lines 31-35) and a second working chamber which is filled with a gas under pressure.

Thus, Applicants believe Claim 29, as amended, patentably distinguishes over the art of record. Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 1, 7, 10, 16, 19, 25 and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Axthammer in view of Goennheimer, et al. (DE 35 28 830). Claims 1, 10 and 19 have been amended in a similar manner to Claim 29. Thus, the discussion above regarding Axthammer applies here also. Goennheimer, et al. only discloses a spring and does not disclose pressurized gas in the first and second working chambers.

Thus, Applicants believe Claims 1, 10 and 19, as amended, patentably distinguish over the art of record. Likewise, Claims 7, 16, 25 and 28, which depend from one of these claims, is also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

DOUBLE PATENTING

Claims 1, 3-5, 7, 10, 12-14, 16, 19, 21-23, 25, 28 and 29 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-22 of U.S. Patent No. 6,814,347 to Lemmens, et al. in view of U.S. 2,774,446 to Bourcier de Carbon or DE 35 28 830 to Goennheimer, et al. Enclosed is a Terminal Disclaimer in relation to the Lemmens, et al. (U.S. Pat. No. 6,814,347) patent to overcome the rejection. Reconsideration of the rejection is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request

that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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